

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SUPERB MOTORS INC., TEAM AUTO SALES LLC,
ROBERT ANTHONY URRUTIA, 189 SUNRISE
HWY AUTO LLC, NORTSHORE MOTOR
LEASING, LLC, BRIAN CHABRIER, *individually and
derivatively as a member of* NORTSHORE MOTOR
LEASING, LLC, JOSHUA AARONSON, *individually
and derivatively as a member of* 189 SUNRISE HWY
AUTO, LLC, JORY BARON, 1581 HYLAN BLVD
AUTO LLC, 1580 HYLAN BLVD AUTO LLC, 1591
HYLAN BLVD AUTO LLC, 1632 HYLAN BLVD
AUTO LLC, 1239 HYLAN BLVD AUTO LLC, 2519
HYLAN BLVD AUTO LLC, 76 FISK STREET
REALTY LLC, 446 ROUTE 23 AUTO LLC and
ISLAND AUTO MANAGEMENT, LLC,

Plaintiffs,

-against-

ANTHONY DEO, SARAH DEO, HARRY
THOMASSON, DWIGHT BLANKENSHIP, MARC
MERCKLING, MICHAEL LAURIE, THOMAS
JONES, CPA, CAR BUYERS NYC INC., GOLD
COAST CARS OF SYOSSET LLC, GOLD COAST
CARS OF SUNRISE LLC, GOLD COAST MOTORS
AUTOMOTIVE GROUP LLC, GOLD COAST
MOTORS OF LIC LLC, GOLD COAST MOTORS OF
ROSLYN LLC, GOLD COAST MOTORS OF
SMITHTOWN LLC, UEA PREMIER MOTORS
CORP., DLA CAPITAL PARTNERS INC., JONES,
LITTLE & CO., CPA'S LLP, FLUSHING BANK, and
LIBERTAS FUNDING LLC,

Defendants.

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Case No.: 2:23-cv-6188 (DG) (ST)

**DECLARATION OF
EMANUEL KATAEV, ESQ. IN
SUPPORT OF PLAINTIFFS'
MOTION FOR A TEMPORARY
RESTRAINING ORDER,
PRELIMINARY INJUNCTION, &
PERMANENT INJUNCTION**

Emanuel Kataev, Esq., declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury,
that the following is true and correct:

1. I am admitted to practice before this Court and am a partner of Milman Labuda Law Group PLLC, attorneys for the Plaintiffs Superb Motors Inc., Team Auto Sales LLC, and Robert Anthony Urrutia (“Urrutia”) in this case.

2. As such, I am familiar with all the facts and circumstances heretofore had herein based upon my personal knowledge and a review of the file maintained by this office.

3. The above-entitled case is brought for the purpose of, *inter alia*, obtaining a temporary restraining order and a preliminary injunction for violations committed by the Defendants.

4. No previous application for the relief herein prayed for has been made in this Court by Plaintiffs.

5. I certify that there are no frivolous contentions contained in any of Plaintiffs’ papers submitted.

6. Pursuant to Rule 65 of the Federal Rules of Civil Procedure and 18 U.S.C. § 1836(A), I certify that this *ex parte* application may be brought without notice to Defendants to secure confidential and proprietary trade secret information. See Mission Capital Advisors LLC v. Romaka, No. 16-cv-5878, 2016 WL 11517040 (S.D.N.Y. July 22, 2016) (entering Order of Seizure and discussing that the relief sought under the Defend Trade Secrets Act may be sought *ex parte* due to the risk that the defendant would make the confidential information and trade secrets inaccessible to the Court or retain unauthorized copies).

7. Notwithstanding the foregoing, because Plaintiffs also seek injunctive relief pursuant to the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1964, on Saturday, August 19, 2023, I notified Defendants Anthony Deo, Sarah Deo, Harry Thomasson, Dwight Blankenship, Marc Merckling, Michael Laurie, and Thomas Jones, CPA of the instant application via email to:

(i) Anthony Deo, Car Buyers NYC Inc., Gold Coast Cars of Syosset LLC, Gold Coast Cars of Sunrise LLC, Gold Coast Motors Automotive Group LLC, Gold Coast Motors of LIC LLC, Gold Coast Motors of Roslyn LLC, Gold Coast Motors of Smithtown LLC, UEA Premier Motors Corp. at **anthonyd@northshoremotors1.com**;

(ii) Sarah Deo at **sarad@northshoremotors1.com**;

(iii) Harry Thomasson, Esq. at **hrtatty@verizon.net**;

(iv) Dwight Blankenship **dwightgcm@gmail.com**;

(v) Marc Merckling **merck17@optonline.com**;

(vi) Michael Laurie **mlaurie@dlacapital.com**; and

(vii) Thomas Jones, CPA and Jones, Little & Co., CPA's LLP at **tjones@jonesandlittle.com**.

8. No injunctive relief is currently sought against Defendants Flushing Bank and Libertas Funding LLC.

9. Defendant Harry Thomasson has written three (3) letters to your undersigned concerning Plaintiffs' demands to return the vehicles and dealer plates, two (2) of which he has asked your undersigned to share with this Court in the event Plaintiffs seek injunctive relief. See copies of Thomasson's letters dated August 9, 2023, August 11, 2023, and August 15, 2023 annexed hereto as **Exhibits "A," "B," and "C."** It is respectfully submitted that the factual assertions therein are belied by the evidence submitted in Urrutia's declaration.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 20, 2022.

/s
Emanuel Kataev, Esq.